

89-1302

NO. _____

IN THE
SUPREME COURT OF THE UNITED STATES

OCTOBER Term, 1989



FLOSSIE W. NZONGOLA,
Petitioner,

v.

STATE OF GEORGIA,
SUPERIOR COURT OF FULTON COUNTY,

CHARLES L. WELTNER,
PHILLIP ETHERIDGE,
Respondents.

PETITION FOR WRIT OF CERTIORARI,
SUPERIOR COURT OF FULTON COUNTY

FLOSSIE W. NZONGOLA
PRO SE

P. O. BOX 43006
WASHINGTON, D.C. 20010
TELEPHONE NO.: NONE

1989



QUESTIONS PRESENTED FOR REVIEW

1 - Can a trial level court of the State of Georgia enter an order when full, faith, and credit is authorized, and fail to give the aggrieved party just due process of that law, then expect another court, namely THE SUPREME COURT OF THE UNITED STATES, to make the necessary correction in their errors in the hope that that Court not accept the aggrieved party writ of certiorari, and, if not granted, they would be rid of the problem?

2 - Can a trial level court in Georgia enter not one (1), but two (2) orders when a sister state in an order forbids such action? Then make their record reflect the request was made of them by the aggrieved party, and fail to make their record reflect the truth? Then enforce those orders by leaving the aggrieved party without the right to file further motions, pleadings, etc. in the matter that would bring about her due process of the law?

3 - Can a trial court of the State of Georgia continue for more than eight (8) years not to give full, faith, and credit to an order of another sister state, and by such action make litigation impossible to the aggrieved party and all motions, pleadings, etc. by her or attorney at bar, are returned DENIED?

4 - Why do ALL OTHER STATES in the United States have to give full, faith, and credit to the orders of another state, and Georgia does not have to?

5 - Can an appellate level court of Georgia, being The Supreme Court of Georgia, fail to correct the mistakes and errors of one of its trial level courts?

6 - Can this case be reviewed on a criminal basis after review here in civil by the right

of this Court under this petition? Can the behavior of the judges be reviewed and investigated in the State of Georgia? Can this case be reviewed on a criminal basis?

7 - Was this case fixed? Was this a normal case of a disregard of the United States Constitution, and a direct attack on this petitioner of her right of due process of the law? It appears so. If not, why after the research by the U.S. Congress report, and after a great number of pleadings, motions, etc. have the only results been and remain "as Denied"? Why has this happened? Why have the results required by law been delayed so long?

8 - Is child support and alimony to work hand in hand? Can a General Maintenance Allowance given based on expenses be reduced because of a divorce such as the one described herein, because the husband might be married a second time? Why has the law not worked in the right perspective for this petitioner and her minor child?

9 - Can a trial level court of Georgia, being the Superior Court of Fulton County, use alimony as a weapon to punish a party because of failure to appear at a hearing unknown to the party? What excuse is "abuse of that court's discretion"? What is a speedy trial? When is one needed?

10 - Can a trial court of the State of Georgia enter an order that causes a reduction in an existing General Maintenance Allowance in the amount of \$380.00 per month, when the husband in the case had been and could continue to make adequate support and had been at trial paying \$680.00 per month, by abridging another Superior Court and thereby causing such injustice?

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I wanted to show a pattern of denial since my commencement of this case. At this time, I am unable to complete this listing, since I have been told that records are unavailable.

Flossie W. Nzongola

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Respondent,

Superior Court of Fulton County,
Respondent,

Charles L. Weltner,
Respondent,

Phillip Etheridge,
Respondent.

ON WRIT OF CERTIORARI TO THE
SUPREME COURT OF THE UNITED STATES
FROM THE SUPREME COURT OF GEORGIA

The Petitioner, Flossie W. Nzongola, Pro-Se
not by choice, requests that a Writ of
Certiorari be issued to review the Judgment of
the Supreme Court of the State of Georgia's
denial of her case for Writ of Certiorari, in
any form, that of an Interlocutory Order when
their Rule 22 (2) applies to this Petitioner,
and reads as follows:

an application for leave to appeal an

Interlocutory Order will be granted only when (2), the Order appears erroneous and will cause a substantial error at trial . . . or as a Discretionary appeal of a Final Judgment, Rule 25, (1) Reversible error appears to exist.

For more than eight years, the Superior Court of Fulton County has refused to change their Order of June 25, 1980. That order has caused the Superior Court of the District of Columbia to enter their July 3, 1980 order as such, and upon awareness of the situation, as described in its order, and by trial on December 29, 1980, given in person by this petitioner at a hearing, they refused to comply and went further to enter two additional orders when they were barred by Full Faith and Credit from doing so, and when brought to the attention of the Supreme Court of Georgia over a number of years, they refused and no results have been received. All the orders of the Superior Court of Fulton County were and still remain erroneous, and cause a total injustice to this Petitioner and her minor child. Reversible error does exist and can be rectified.

Therefore, this Petitioner needs your assistance in this grave matter because the Supreme Court of Georgia and the Superior Court of Fulton County are paying no attention to this Petitioner and her requests. The copy of Part I of this case has been discarded by the Attorney General's Office and this Petitioner feels this grave situation is like a BALLGAME and she is the ONLY player, and a fair hearing is beyond her control, and she hereby commences an appeal to this Court, the highest in these United States:

OPINION BELOW AND STATEMENT OF JURISDICTION

The decision of the Supreme Court of Georgia from which the Certiorari is sought was entered August 18, 1989. The time for filing this petition is through and including November 18, 1989. The Jurisdiction of this Court is invoked pursuant to SUPREME COURT RULE 21.

RELEVANT STATUTORY PROVISIONS

The Petitioner, herein, was awarded a Final Decree of Divorce, and was denied Alimony in her failure to appear. The grounds for the divorce were that the marriage was irretrievably broken, and the Plaintiff (the husband) sought an absolute divorce. The divorce was obtained under Georgia Code Section 19-5-5.

The specific Georgia Code section relevant to this petition is:

1 - Georgia Civil Practice 9-11-60; Relief from Judgment (Page 365-366) may be obtained by several methods:

- A. by Collateral attack;
- B. Methods of direct attack;
- C. Motion for New Trial;
- D. Motion to Set Aside;
- E. Complaint in equity;
- F. Procedure Time of Relief;
- G. Clerical Mistakes;
- H. Law of the case rule.

The Supreme Court of Fulton County has refused to set aside the divorce or any portion of the divorce decree entered June 25, 1980. On December 29, 1980, the Court refused to act properly under Provision D as listed herein with regard to its own provision or the rights of the defendant (the wife) under the Fifth and Fourteenth amendments to the U. S. Constitution. And, the Court has refused for more than eight years, upon motions, pleadings, requests, etc. to set aside any portion of that divorce decree, and has further broken the USC Code two additional times dealing with full, faith, and credit.

THE FOLLOWING LAWS PROHIBITED SUCH ACTS:

- a. Georgia Civil Practice 9-11-60 Methods;
- b. Fifth Amendment to the U. S. Constitution;
- c. Fourteenth Amendment to the U.S. Constitution;
- d. Article IV, Section 1, U.S. Constitution.

STATEMENT OF THE CASE

After great difficulties in trying to locate an attorney or lawyer to make the Superior Court of Fulton County, Georgia aware of the Superior Court of the District of Columbia's order of July 3, 1980 after they were abridged by the Fulton County Court's order of June 25, 1980, a hearing was held on December 29, 1980. The Superior Court of Fulton County did not entertain the reason for the hearing but, instead, entertained its own intentions and entered the order the way they wanted it to be made a part of their records. The action was brought by the husband. The results of that hearing were only entered after six (6)months of having a Georgia lawyer, George O. Lawson, try as hard as he could to convince this petitioner to accept the offer set forth by the plaintiff (Mr. Nzongola, the husband) in the original complaint. When such urgency served to be unconvincing, Mr. Nzongola requested of the Superior Court of Fulton

County that the payment already being made as a General Maintenance Allowance be reduced from \$680.00/month to \$250.00/month and that this petitioner be granted all the equity in the house that was acquired during their marriage. The resulting order of June 2, 1981 was entered in that manner because this petitioner could not participate in such a wrongful act. Well, this was totally unacceptable, need I say more? In respect to the D.C. order, the reason for the hearing, the results were: "The Superior Court of Fulton County's June 25, 1980 order could not be changed," because the husband might be remarried - and it took six (6) months for those results. No speedy trial! Those results, such as they were, should have been a simple denial. The Georgia court has done nothing but deny all pleadings, motions, etc. for the past eight years. The June 2, 1981 order (enclosed herein) does not convey the proceedings as set forth to the court on December 29, 1980.

Further, because of Judge Charles L. Weltner's response at that hearing, I nearly exploded when I saw that order. It said nothing about him telling me to shut up and talk through my attorney, and disregarding the D.C. Order. The order resulting from this December 29, 1981 hearing did not come into effect until June 2, 1981, only after I had refused to accept such a ridiculous offer from Mr. Nzongola, the efforts of the Superior Court of Fulton County and the attorney retained by me. Because Mr. Lawson's plea was not accepted by this petitioner, he resigned. The D.C. Court Order of Full Faith and Credit was never given any credit (see order of September 22, 1981). Mr. Lawson stated he might be able to get \$400.00/month but nothing specific for the mortgage payments. It was as if no one cared about the D.C. Court, as if it was of no value, had that been the reason for that hearing. Mr. Lawson knew that if I failed at the trial level that I wanted to appeal the

case, and that I wanted him to represent me. After the Court Order of June 2, 1981 was entered, Mr. Lawson resigned and refused to assist me with my appeal. I was left without an attorney and was labeled as not being able to get along with attorneys and not being able to keep an attorney. Most of them would just refuse to take the case, and give no reason for their act. This was most frustrating - even the courts and the judges. None would say why this case could not be litigated in the manner prescribed by law. I felt like something was being hidden from me, and because of this I decided to find out why these officials were acting so strangely, and treating me so harshly - like poison, as if I was insane, and stated such openly. When they did assist me, I was directed wrongly and their reluctance prolonged my stay that particular day and had demanded my return on more than two occasions, most of the time without clear success¹. This was pure madness

and drove me to frustration, embarrassment, anger and humiliation. Without understanding of Court's corruption, or any understanding of any type of complex law abridgement or the evilness of people, I was placed in the most difficult situation of my life. I had at that time been married for eleven (11) years and was left without all the following requirements to maintain a normal lifestyle for myself and my minor son:

- 1 - housing;
- 2 - adequate support;
- 3 - a determination on dental and major medical for the child, if not the minor for myself;
- 4 - education for myself and the minor child;
- 5 - future emergencies;
- 6 - major medical expenses of a child

¹ clear success: There would always be one or two other persons that had to be seen to gain final resolution of matters discussed with lawyers or the court. Most of the time, any original success was never carried through to the end in these subsequent meetings.

involved in an automobile accident prior to the action for divorce, or my forcement by law² for special assistance;

7 - taxes (property), etc.;

8 - good major transportation;

9 - payment for immigration laws of minor child at age of 18 years;

10 - house insurance before and after, mortgage premium;

11 - increase in child support, and alimony if any, when and why?;

12 - visitation (if any);

13 - increase, and limitation.

I have been left without all of the above mentioned, and all appeals have been denied by the Superior Court of Fulton County and the Supreme Court of Georgia for any way to acquire them from the D.C. Court. By their actions of the past eight years, and by the

² forcement by law for special assistance: I could not, as a wife, require the husband to assist in the care of a sick child in the District of Columbia through any other means but by a Complaint in Maintenance.

order that brings about this Writ, it is a fact that they do not intend to correct their mistake and give to the District of Columbia Court the leeway they need to complete this petitioner's case (known as D-857-80). The Superior Court of Fulton County gives me the impression that they want control of my total life only in their own interest, and not concerned with what is presented to them. It is my understanding that when a person brings an action in a U.S. Court, the person is seeking certain things and it is up to the Court to make determinations within the law. If it works another way, then I or any other sane person might think either they are in a foreign country or the case is fixed! I was and am still left without any of the necessities (1-13) mentioned above. For that reason, I am still seeking - nine years later - those and any additional considerations by law resulting from any other aspects of this case, as a result of the prolonged attempt to

litigate my requests before these Courts as listed herein, and determined by this Court. The District of Columbia Order awarded custody, and denied all other relief sought. The Superior Court of Fulton County denied alimony, which had not even been requested by this petitioner, based on the fact that this petitioner did not attend any of the scheduled meetings that brought about that determination. There were two (2) children resulting from the marriage in question. An automobile accident caused major injuries not yet healed to the male child. The female child was killed November 18, 1979. This divorce commenced on February 12, 1980, after Mr. Nzongola urged this petitioner to sell the house and move to Washington, D.C. throughout the summer of 1979. The long-range plans of the parties were to return to Africa to make that their permanent place of residence, but the intention was to maintain the Georgia house as an investment, and for use while in

the United States. Prior to the summer of 1979, Mr. Nzongola decided to go to Africa for two (2) years. Had the house been in Maryland or Kentucky, would that wait for his return be considered residency on an ex parte divorce proceeding just because the house was in that particular locality? Because of Mr. Nzongola's failure to get this petitioner to agree to his demands, he sought another alternative to his problem. The Superior Court of Fulton County did the same thing on December 29, 1980. Through September 22, 1981, the Court was not able to obtain an agreement through attorney George O. Lawson or by agreement with this petitioner, but it went ahead and entered an order even after the D.C. Court forbids them to do so. Subsequently, I never sought litigation from them, and litigation through that court would only be to correct their mistake. No litigation would be necessary had they changed their orders. I seek no litigation from Fulton Superior Court, now or

ever, but only a response to the demands by the District of Columbia Court to provide the D.C. Court with what they need for the necessary litigation of my case in their court. I understand from the Appeals Court of the Fulton Superior Court that they are backlogged three to four months. I understand that the Superior Court of Fulton County also has enough to do rather than seeking more litigation at additional cost to their taxpayers, as they have in the past nine years, since this is the only payment that has been required over all those years. It appears this is only being done to discourage this petitioner. The reason this petitioner is here "pro-se" today is because there have been more than 50 Georgia attorneys and/or lawyers sought with no result. There were also a great number sought in other states. There were all sorts of excuses given as to why they or their agency could not assist this petitioner, but the only reason this petitioner could not get

one as easily as others could is because the case deals with the "System"³. There have only been three Georgia attorneys involved in the Georgia part of the case, and see their actions - nothing. These are the facts to the best of my knowledge; yet I feel there was much more, too many of the reasons being hidden, but I had not power to determine these reasons so they could be stated here today as the full truth.

1. Attorney - Jill Howard (3/80-4/15/80)
Broke contract agreement by failure to litigate case in manner agreed upon, and with understanding that case request, as agreed upon, was possible.
Filed papers after request was made for her resignation.
After agreed contract at the expense of this petitioner, contacted Mr. Nzongola, Ralph Goldberg and Judge Charles Weltner, disregarded the wishes of this petitioner, and the results were as if she was responsible for the case. They all tried to get the aggrieved

³ "System": The petitioner means the Courts, Judges and Court Officials, and Lawyers or Attorneys.

party to make agreement well known to them, that would cause an injustice to this petitioner. They all recognized that such agreement with Mr. Nzongola, other than the wishes of this petitioner, could cause an injustice. Jill did, in the beginning, recognize the injustice, but for some reason lost them and did an about face* (see the answer she filed at 30 days, to the complaint filed by Mr. Nzongola in the Superior Court of Fulton County case C-61059). Assisted in an injustice to this petitioner: 1- No restraining order to prevent sale of house; 2- No appeal; 3- No continuance . . . and urging the petitioner to accept \$250.00/month instead of \$680.00/month, further stating that, "You should accept." As far as I was concerned, she was "nuts, or was convinced by one or the others at that time. (This does not include Judge Phillip Etheridge. He only failed to litigate case as prescribed by law to correct the earlier error.)

2. Attorney - George O. Lawson (12/80-6/81)
Failed to explain case to the

* "about face": This petitioner means there are two sides to any complaint and Ms. Howard's representation served to assist the other side and on my time tried to get this petitioner to do an about face, also.

court, or was not allowed to litigate as prescribed by law. The latter is how it appears. He, on many occasions, sounded so ridiculous it made me sick - sick enough to cry. It further appeared that no appeal could be had in the case, and he failed to follow through on appeal.

He spent six (6) months trying to get this petitioner to agree to settlement that would serve an injustice, when well aware that such settlement could not be made by me or that court, and nothing could be discussed other than what the D.C. Court was requesting of them, which was well-stated in their Order of July 3, 1980. I think these actions would be a good way of explaining their intentions and to justify their feelings of the D.C. Judge as just a "long-winded judge", and the D.C. Order not being "worth the paper it was written on".

3. Attorney - Teddy Ray Price

Recognized irregularities but never stated what they were. In so many words, just agreed on parts of the conversation, for employment.

Agreed and understood what was being said as explained to him. Stated he thought he could make settlement at the trial level court (that is, enforce the D.C. Order), and changed the divorce order.

I just assumed those recognized irregularities he read were

changeable by law.

Attitude changed, failed to write to Washington, D.C., failed to return calls while the petitioner was in Atlanta, avoided meetings, terrorized client as due date for filing was near and nothing had been filed well in advance (vacation was more important!). He felt an appellate court was not needed. Failed to appeal case, failed to give results of case to client, and the okay that the appeal was filed, as agreed upon, failed to keep client calm.

Left case and never informed client. To this day, has not and refuses to talk with this petitioner.

The D.C. Court Order is just being considered as a judgment that is long-winded.

That Court did enter into its July 3, 1980 Order the fact that the only issues left before it were issues of child support, and that issues litigated in the Superior Court of Fulton County had hurt this petitioner in that the D.C. Court could not enter a final order requiring the husband to make the mortgage payment on the family house in College Park, Georgia, any longer. In other words, the D.C.

Judge was barred from further litigation by the Full Faith and Credit clause; further, the final issue of alimony and award of payment for the mortgage payment on the family house could not be granted. Even though that order was made a part of the Superior Court of Fulton County, that court went ahead and entered an order for support, alimony, and other issues not before it (none).

Georgia has broken the Full Faith and Credit clause, thereby depriving this petitioner of a house valued in the amount of \$80,000, as well as many other aspects of a normal life.

The Fulton County Superior Court has been able to perform this because:

1 - Mr. Nzongola brought the action based on the fact that the house was located in that county, and because he declared this petitioner to be a resident of that county. This was most convenient to his ends, and he did get what he wanted - no further mortgage payments;

2 - Because Attorney Jill Howard filed an answer to the divorce, and an affidavit that was not requested to be filed by her, the case was ruled when the only motion filed by her was denied. Regarding that answer filing, she said, "I had to file it.";

3 - Ralph Goldberg, in expediting filing (normally at least a week or more process) to one day, plus obtained a restraining order within that one day (ex-parte). This can't be done. On obtaining a restraining order in Fulton County, one must notify the other side by telephone or mail;

4 - Judge Charles L. Weltner did not perform his duties as Judge of the Court as prescribed by (any) laws;

5 - Judge Phillip Etheridge failed to make the necessary change, but instead followed Judge Weltner's lead. The insistence of this petitioner just made his office mad, and subsequent treatment was beyond what could be listed in a paper of this length.

Is this due process? Due process is when one has a chance to be heard, and the local laws and those Federal laws which apply are abided by. In this petitioner's case, such process was not followed. As a result, this petitioner is here today to demand from this, the highest Court in the United States, her rights to due process of law and other matters resulting from this long delay.

All of the results of this case seem pre-planned and determined prior to the order of June 25, 1980. On December 29, 1980, this petitioner requested that lines be removed to clear up what would serve as a permanent injustice. Yet, on June 2, 1981, an order was entered (see attached). What was the judge doing? Does this order answer the D.C. Court's request? They say "no", the order is of no value to grant litigation, on all issues, listed or added at a later date. Does this break the Full Faith and Credit? It does, because further litigation of the C-61059 case

in Fulton County was necessary while continuing to bar the D.C. Court. A change should have been made. To further enter a clearer order on September 22, 1981, I knew was of no value, it only shows a total disregard for the D.C. Court. This is not due process - it is deprivation.

Regarding anyone's finding that this petitioner is unable to get along with anyone, including lawyers, it is without support.

In conclusion: The District of Columbia Court states that had Mr. Nzongola failed to support his family, the Court would go ahead and enter an order for support (I hope this means adequate support). But, since I did not prove such based on my performance of the past event, he was free by the Georgia order to avoid permanent, temporary, or any other adequate requirements that would assist her, and the award would have to be made under the law of alimony.

Thus, it was and still is an order of Fulton County, and no other, that has to be changed. No court can reduce a General Maintenance Allowance by \$380/month when the husband in that case could provide such adequate support, and done by a Court of no jurisdiction, and further use of jurisdiction to carry on a case in such a crazy manner for so long.

This is the way the case stands today. I am still awaiting the Superior Court of Fulton County change in their Court Order of June 25, 1980. I do not care if the only way left for them is to set aside the order in its entirety, instead of the lines requested by this petitioner, as stated by the D.C. Court. The Fulton Court should have thought about that point before they wrote the order the way they did, depriving me of a house and then requiring me to be a resident of the State of Georgia (see two orders attached). I further await enforcement of the D.C. Order, the

house, further litigation by the D.C. Court on issues denied because of the Superior Court of Fulton County, damages for all done by the Fulton County Court, State of Georgia, and the State of Georgia, and any others that this Court feels participated in this cruel and unusual punishment.

I am tired.

REASONS FOR GRANTING THE PETITION**PROPOSITION I**

IN THE ACTION, AND CONTINOUS ACTION AND EFFECT, IN RESPECT TO ARTICLE IV, SECTION 1, FULL FAITH AND CREDIT: Section 1. Full Faith and Credit shall be given in each state to the public acts, records, and judicial proceedings of every other state; and the Congress may by general laws prescribe the manner in which such acts, records, and proceedings shall be proved, and the effect thereof.

The Superior Court of the District of Columbia's Order is not that of a state, but a City Superior Court which has equal effect in other Superior Courts in the United States. The D.C. Order and memorandum states it was barred on some issues of this petitioner and described what the Court could do from that point. The Superior Court of Fulton County was well aware of:

- 1 - What they had done to bring about such a reaction on the part of that Court;
- 2 - What was needed for correction.

Therefore, the Fulton Court disregarded the D.C. Order and the appropriate Federal law, and proceeded to continue its deprivation of the requirements needed by this petitioner.

PROPOSITION II

BARMENT, THE REFUSAL TO LITIGATE CASE: "barred from by Article IV, Section 1".

PROPOSITION III

CONTINUOUS BARMENT, DECEMBER 1988, NO CASE TO BE HEARD OF BY RESEARCH DONE BY A GEORGIA ATTORNEY TO FILE A NAMED (LABEL) TO LIST A BARMENT FROM A SUPERIOR COURT IN FULTON COUNTY.

The Superior Court of Fulton County must give Full Faith and Credit to other State's orders, and cannot refuse to litigate a case to give an aggrieved party or parties their rights guaranteed under the U. S. Constitution.

ARGUMENT

Look at #10 under Questions to Be Presented. It has turned out to serve a deprivation upon this petitioner, and because of that this petitioner goes without mortgage payment to cover the family home, the only house resulting from the marriage, for her and the minor child. A Court cannot reduce adequate support for the sole purpose of relieving a husband of maintenance obligation, thereby depriving a party of property, in this case a house. That property could have been used for many purposes. The settlement of the Superior Court of the District of Columbia granted the money to continue the mortgage payment on that property, which could have assisted this petitioner and the minor child in living a normal lifestyle, as well as recognizing the needs of the aggrieved party so that both could go their separate ways. The action was brought by the husband. It is a fact that the husband wanted to leave the marriage and did

not want to make the mortgage payment on the family house any longer. The husband is the one in this case who has to pay the penalty for his wishes to leave the marriage. D.C. Court Law states: "a father has a duty to provide for his needy spouse and minor children to the best of his ability." If this is the case, Georgia's Order to deprive this petitioner of alimony, for her failure to appear, was only done to deprive this petitioner of maintenance so the husband could be relieved of this first obligations; and the use of "failure to appear" was only to provide them with a good excuse for such deprivation. This part of the case should illustrate that Georgia does know the law, but uses it to its own advantage and not as it is prescribed by the law of the land. Georgia states it has jurisdiction over all parties of that action (C-61059). How does Georgia define "jurisdiction" in a way not known to this aggrieved party or to other states, nor any

party of the United States? A citizen has a right to choose his/her place of permanent residence (in this case, after a legal separation or divorce), or has the right to maintain an original residence by choice at either of those particular times. Mr. Nzongola, the husband, maintains citizenship in the Republic of Zaire and by marriage to this petitioner expected that to be her eventual permanent place of residency. The children were to be free upon reaching the age of eighteen (18) to choose their place of permanent residency. Mr. Nzongola decided to end the marriage on February 12, 1980, and assumed that by the action of the divorce, that it would become the intention of the wife to accept any place of residency assigned to her by the Superior Court of Fulton County. In fact, the only connection this petitioner had with the State of Georgia and Fulton County at that time was that the family house was located in that State and County. Mr. Nzongola

was a resident of Arlington, Virginia. The record reflects this as a fact. He alleges that this petitioner was, in fact, a resident of Georgia. The record reflects this and the Superior Court of Fulton County agreed. The only way this point could have been made clear at the trial was for the Court to have agreed to a continuance. It did not, and the record will reflect that attorney Jill Howard omitted that request for a continuance, which had been agreed upon prior to the hearing. The Court was well aware of the reason for such a continuance, and how valid such a request would be, but without due process of law¹ they

¹ without due process of law: this means that the petitioner was not present, the lawyer that was to represent her interest had changed sides and requested that the petitioner accept the demands of the husband and forget about all in her best interest and that of the minor child (that demand was \$250.00/month and all the equity, reduced from \$680.00/month (this eliminated the need to pay the monthly mortgage). No Court can make such a reduction, yet the Georgia Order does reflect a deprivation. The \$680.00 was a General Maintenance Allowance. There is no law which suggests it should not have remained as such. Why was it changed by the Superior Court of Fulton County in its Order?

acted upon a divorce action in Fulton County and precluded another court from handling the case in a good and reasonable fashion. Georgia law, as other state laws, states that one must be proven to be a bona-fide resident of the state in which the action for divorce is being brought. This could only be accomplished by having a representative of each party at every hearing (or in the case C-61059 in Fulton County, Georgia). This petitioner was not in attendance, nor was she represented by an attorney at every hearing. The petitioner was in a court action in Washington, D.C., and assisting her son through Children's Hospital of D.C., and Johns Hopkins of Baltimore, Maryland. Therefore, the real facts of this case and the wishes of this petitioner were not heard. Why the hurry? It appears, based on the results of the December 29, 1980 hearing, that this petitioner's attendance might not have made any difference anyway! However, the D.C. Order reflects the permanent residence of

this petitioner, and there is no intention of change now, or ever. Now, the minor child of these parties is here in this country as a result of the citizenship of the mother. If it were not for the mother, the child would not even be here. No action can be brought on his behalf other than by the mother, and legally now because of the D.C. award of custody. It is clear that any action brought by Mr. Nzongola on behalf of these parties is invalid because:

- 1 - the residence of this party could only be known through a legal separation or divorce, of the Right Court;
- 2 - the residence of the mother; and
- 3 - custody was already granted to this petitioner by the Court holding jurisdiction as a result of her actual and true residence, and that is The District of Columbia, Washington, D.C. (see D.C. Order of July 3, 1980).

IN CONCLUSION

The defendants and their representatives might try to present to this Court that this is a case of Double Jeopardy. That is not the case at bar here. This petitioner seeks upon appeal or this Writ damages the results of this Part II of the Superior Court of Fulton County case the results of the C-61059.

Application Number S89D0311.

Had the changes been made on December 29, 1980, no long-time damages would be requested or had the court corrected its mistake; or had the Supreme Court of Georgia made the necessary correction, or Judge Phillip Etheridge or the Fulton County Board of Commissioners - setting aside the order of June 2, 1981 and its September 22, 1981 order - this Writ of Certiorari would not be necessary today. No, Justices, we do not have a case of Double Jeopardy here, but we do have a case for Double Damages. If I had the power of this Court, I would grant Double the

damages Doubled, and that would be 2 X 4 times, but as is normal, the Courts have certain requirements. I tell you I want all that is possible. The Superior Court of Fulton County and its judges, and the Supreme Court of the State of Georgia and its Attorney General's Office are disrespectful of their sister court, the Federal legislative branch, and the United States Constitution with regard to the provisions of Full Faith and Credit. They are inhuman to the well-being of a United States citizen by showing no justice to a fellow human being. They do not know when to give up and set a situation straight. I feel these two agencies need a full Federal investigation. I am sure that my case is one of their worst in terms of treatment, but I am sure that there are many other examples of unjust treatment - though they may not compare to this one.

There are three reasons why I doubt that there is another case in the Superior Court of

Fulton County resembling this one. The reasons are:

- 1 - The residents and lawyers and attorneys know better (see the action of the the Georgia lawyers or attorneys, herein);
- 2 - Residents, for lack of patience, assistance, and will power, become frustrated by what would be inflicted upon them; and
- 3 - There is a lack of fortitude and persistence on the part of most petitioners.

I believe the Court has delayed Part One of this complaint from reaching this Court on time, and had help from others to do so. I know the Fulton Court hates this case and would rather do away with it but cannot. The Attorney General's Office took my certified copies of Part One, now before this Court, and discarded it as if it were debris.

THEREFORE, this petitioner requests acquisition, on appeal, of damages long

overdue, as defined below:

1 - Possession of the family house located at 5655 Warfield Court, College Park, Georgia 30349. This request has been made of Fulton County.

2 - One hundred and fifty thousand dollars (\$150,000) for the period of July 3, 1980 through December 29, 1980, paid equally by the State of Georgia and Fulton County.

3 - Two hundred and fifty thousand dollars (\$250,000) for the period of December 29, 1980 through June 2, 1981, paid equally by the State of Georgia and Fulton County.

4 - Three hundred and fifty thousand dollars (\$350,000) for the period of June 2, 1981 through September 22, 1981, paid equally by the State of Georgia and Fulton County.

5 - From the State of Georgia:

a - Three million and three hundred thousand dollars (\$3,300,000) for each year beginning September 22, 1981 through completion of the original case. This request is made to cover

1 - Judge Charles L. Weltner at One million and one hundred thousand dollars (\$1,100,000);

2 - Judge Phillip Etheridge at One million and one hundred thousand dollars (\$1,100,000);

3 - One million and one hundred thousand dollars (\$1,100,000) because the incident occurred in the State of Georgia and no effort was made to resolve the case.

6 - From Fulton County:

a - Three million and three hundred thousand dollars (\$3,300,000) for each year beginning September 22, 1981 through completion of litigation of the original case. This request is made to cover

1 - Judge Charles L. Weltner at One million and one hundred thousand dollars (\$1,100,000);

2 - Judge Phillip Etheridge at One million and one hundred thousand dollars (\$1,100,000);

3 - One million and one hundred thousand dollars (\$1,100,000). Because the incident occurred in Fulton County, Georgia, and no effort was made to resolve the case for nearly nine (9) years due to the Court's handling and delays, this petitioner will request Double cost, if this Writ is accepted.

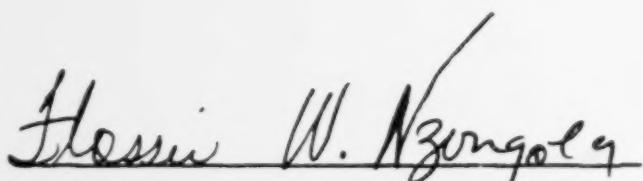
b - The amount requested in Part One as stated in the Writ filed in this Court in 1989, if that case is not heard, now or on appeal.

Respectfully submitted,

Mrs. Flossie W. Nzongola
P. O. Box 43006
Washington, D.C. 20010

CERTIFICATE OF SERVICE

I, FLOSSIE W. NZONGOLA, hereby certify that a true copy of this Writ of Certiorari has been hand delivered to The Attorney General Office for the State of Georgia, to Mr. Mark Cohen, 132 Mitchell Street, State Law Department, Atlanta, Georgia 30303 on this 16th day of Oct, 1989.

A handwritten signature in black ink, appearing to read "Flossie W. Nzongola". The signature is fluid and cursive, with "Flossie" and "W." being more stylized, and "Nzungola" being more clearly legible.

Mrs. Flossie W. Nzongola

IFICATE OF SERVICE

NGOLA, hereby certify that a
Writ of Certiorari has been
The Attorney General Office
Georgia, to Mr. Mark Coner,
reet, State Law Department,
30303 on this 21st day of
1989.

W. N. Zongola

zongola

PRINTED COPY

BEST AVAILABLE COPY

APPENDIX A

Case No. S89D0311

SUPREME COURT OF GEORGIA

Atlanta Aug. 18, 1989

The Honorable Supreme Court met pursuant to adjournment. The following order was passed:

FLOSSIE W. NZONGOLA V. THE STATE ET AL.

From the SUPERIOR COURT of FULTON County.

Upon consideration of this Application for Discretionary Appeal, it is ordered that it is hereby denied.

All the Justices concur, except Weltner, J., disqualified and Marshall, D.J., not participating.

SUPREME COURT OF THE

STATE OF GEORGIA

Clerk's Office, Atlanta

I certify that the above
is a true extract from
the minutes of the
Supreme Court of
Georgia.

Witness my signature and
the seal of said court
affixed the day and year
last above written.

s/Lynn M. Hogg

Deputy Clerk

APPENDIX B

FULTON SUPERIOR COURT

NTALAJA NZONGOLA

v.

FLOSSIE W. NZONGOLA

CIVIL ACTION FILE NO. C-61059

FINAL JUDGMENT AND DECREE

Upon consideration of this case upon evidence submitted as provided by law, it is the judgment of the court that a total divorce be granted, that is to say a divorce a viculo matrimonii, between the parties to the above stated case upon legal principles. And it is considered, ordered, and decreed by the court that the marriage contract heretofore entered into between the parties to this case, from and after this date, be and is set aside and dissolved as fully and effectually as if no such contract had ever been made or entered into, and

Plaintiff and Defendant, in the future shall be held and considered as separate and

distinct persons altogether unconnected by any nuptial union or civil contract, whatsoever, and both shall have the right to remarry.

(C) This Court further finds that the defendant was personally served with the Complaint in this action and on that date of service was a resident of Fulton County, Georgia. Accordingly, this Court has personal jurisdiction over the defendant.

(D) This Court further finds that defendant is entitled to no alimony, her counterclaim being dismissed for failure to appear.

(E) This Court dismisses any claim for child support without prejudice to their right to seek such support in a future court of competent jurisdiction.

(F) Finally, this Court finds that no party is entitled to any further attorney fees beyond the \$400 previously awarded defendant's counsel.

The cost of these proceedings are taxed against

the Plaintiff.

Decree entered this 25 day of June, 1980.

s/Charles L. Weltner

CHARLES L. WELTNER

JUDGE SUPERIOR COURT

ATLANTA CIRCUIT

APPENDIX C
IN THE SUPERIOR COURT OF FULTON COUNTY
STATE OF GEORGIA

NTALAJA NZONGOLA,

Plaintiff

v.

FLOSSIE W. NZONGOLA

Defendant

CIVIL ACTION

FILE NO. C-61059

MOTION TO DISMISS PLAINTIFF'S
ACTION FOR DIVORCE

Defendant hereby moves the Court pursuant to Section 12(b) of the Civil Practice Act to dismiss the above-styled action on the following grounds:

1. This Court lacks jurisdiction of the subject-matter presented in the Complaint in that neither plaintiff nor defendant were bona

side residents of the State of Georgia at the time the Complaint was served on the defendant.

2. Venue is not proper in this Court in that defendant is not a resident of Fulton County, Georgia, as appears more fully in the affidavit attached hereto.

3. Under the doctrine of forum non conveniens, this Court should exercise its discretion to decline jurisdiction of the above-styled action due to the manifest inconvenience and injustice which would result if said action were to be prosecuted in this Court.

s/J. R. Howard

JILL R. HOWARD

Attorney for Defendant

63 Fourteenth Street, N.E.

Atlanta, Georgia 30309

(404) 892-0421

APPENDIX D

Arlington, Virginia

VERIFICATION

Personally appeared before me the undersigned attesting officer authorized by law to administer oaths, NTALAJA NZONGOLA, who first being duly sworn deposes and says on oath that the facts alleged in the above and foregoing are true and correct.

MY ATTORNEY READ THE COMPLAINT TO ME BY TELEPHONE.

x

Sworn to and subscribed before me, this 12th day of February 1980.

Signature Elsie M. Payne

NOTARY PUBLIC

MY COMMISSION EXPIRES 10-21-80

APPENDIX E
IN THE SUPERIOR COURT OF FULTON COUNTY
STATE OF GEORGIA

NTALAJA NZONGOLA,

Plaintiff

v.

FLOSSIE NZONGOLA,

Defendant

CIVIL ACTION FILE # C-61059

ORDER

This hearing having come upon a motion by defendant for a hearing concerning real property filed July 2, 1981 and plaintiff having consented to the hearing of other issues is hereby ordered

1.

Plaintiff is hereby ordered to convey all of his interest in the real property located at 5655 Warfield Court, College Park, Fulton

County, Ga. to the defendant.

2.

In all other respects defendant's application for alimony is denied.

3.

Plaintiff is hereby ordered to pay child support in the amount of \$300 per month.

4.

Plaintiff is further granted reasonable visitation rights. Should defendant deny such visitation, plaintiff may discontinue child support.

So ordered the 22nd day of September, 1981.

s/Charles L. Weltner

CHARLES WELTNER

Judge, Fulton County

Superior Court

APPENDIX F
IN THE SUPERIOR COURT OF FULTON COUNTY
STATE OF GEORGIA

NTALAJA NZONGOLA,

Plaintiff

vs.

FLOSSIE W. NZONGOLA,

Defendant

CIVIL ACTION FILE NO. C-61059

ORDER

The motion of Defendant to Vacate the Final Judgment and Decree of Divorce in the above-styled matter coming on regularly to be heard, and after counsel for the parties;

IT IS ORDERED that Defendant's Motion to Vacate the Final Judgement and Decree of Divorce in its entirety be, and the same hereby is, denied.

IT IS FURTHER ORDERED that that portion of the Final Judgment and Decree of Divorce in

the above-styled matter relating to child support and a division of the real property the issue of the marriage be, and the same hereby is, vacated. Said vacation in no way reinstates Defendant's claim for alimony against the Plaintiff.

SO ORDERED this 2 day of June, 1981.

s/

Judge, Superior Court of
Fulton County, A.J.C.

s/George O. Lawson, Jr.

GEORGE O. LAWSON, JR.

Attorney for Defendant

s/Ralph Goldberg

RALPH GOLDBERG

Attorney for Plaintiff

APPENDIX G

April 18, 1988

Mr. John Lewis
U.S. Congressman
100 Peachtree Street
Atlanta, Georgia

Dear Mr. Lewis,

Per our conversation, of April 15, 1988 I am submitting as you requested all the papers that I consider is necessary. Being in Washington you have, or can get access to my file by requesting of Mr. Eddie Ricks Superior Court For The District Of Columbia, Family Division Clerk, Mr. Ricks knows me well with this letter and my signature it should help. If you have any problems please feel free to write me in Washington the address is:

Ms. Flossie W. Nzongola

P.O. Box 43006

Washington, D.C. 20010

The case number is Washington is D-857-80. I am here in Atlanta now but don't I won't get the mail, I will be working closely with Rep.

Grace Davis.

In, that same conversation I told you that Rep. Grace Davis was willing to do the research on the part of the Atlanta case. If for your research in Washington you might need to refer to the Atlanta case that case number is C-61059-80. Unfortunately I, can't refer you to someone there.

As I discussed with you further there were several orders that upsets me greatly here is that list;

1. Georgia restraining order.
2. Georgia Divorce (Final).
3. Georgia order of June 2, 1981.
4. Georgia order of September 22, 1981.
5. The Opinion part of the District of Columbia order June 30, 1980.
(10 pages).

I, do not want you to get me wrong every aspect of all the proceedings in but cases have had great affect, but Georgia was inhuman, and the continuation even to today

has hurt me and my son the most, and cause the most pain. The time, years is yet another matter but not the concern herein, because your help now as late as it maybe has ease the pain quit a lot, I now only await with patient for your research results and that of Ms. Davis.

I, am writing you my feelings so you and your research staff can try to know me and my feelings my points and feeling of a long time. And they are attached hereto.

With REGET, I, am;

Mrs. Flossie W. Nzongola

P.O. Box 43006

s/Flossie W. Nzongola

Washington, D.C.

April 18, 1988

APPENDIX H

99TH CONGRESS

DOCUMENT

1st Session

SENATE

No. 99-16

THE CONSTITUTION
OF THE
UNITED STATES OF AMERICA
ANALYSIS AND INTERPRETATIONS
ANNOTATIONS OF CASES DECIDED BY THE
SUPREME COURT OF THE UNITED STATES

TO JULY 2, 1982
PREPARED BY THE
CONGRESSIONAL RESEARCH SERVICE
LIBRARY OF CONGRESS
JOHNNY H. KILLIAN, EDITOR
LELAND E. BECK, ASSOCIATE EDITOR
U.S. GOVERNMENT PRINTING OFFICE
WASHINGTON: 1987

For sale by the Superintendent of Documents,
U.S. Government Printing Office
Washington, DC 20402

STATES' RELATIONS

ARTICLE IV

SECTION 1. Full Faith and Credit shall be given in each State to the public Acts, Records, and judicial Proceedings of every other State. And the Congress may by general Laws prescribe the Manner in which such Acts, Records, and Proceedings shall be proved, and the Effect thereof.

SOURCES AND EFFECT OF THIS PROVISION

Private International Law

The historical background of this section is furnished by that branch of private law which is variously termed "private international law," "conflict of laws," "comity," This comprises a body of rules, based largely on the writings of jurists and judicial decisions, in accordance with which the courts of one country, or "jurisdiction," will ordinarily, in the absence of a local

policy to the contrary, extend recognition and enforcement to rights claimed by individuals by virtue of the laws or judicial decisions of another country or "jurisdiction." Most frequently applied examples of these rules include the following: the rule that a marriage which is good in the country where performed (*lex loci*) is good elsewhere; the rule that contracts are to be interpreted in accordance with the laws of the country where entered into (*lex loci contractus*) unless the parties clearly intended otherwise; the rule that immovables may be disposed of only in accordance with the law of the country where situated (*lex rei sitaw*);¹ the converse rule that chattels adhere to the person of their owner and hence are disposable by him, even when located elsewhere, in accordance with the law of his domicile (*lex domicilii*); the rule that regardless of where the cause

arose, the courts of any country where personal service of the defendant can be effected will take jurisdiction of certain types of personal actions, hence termed "transitory," and accord such remedy as the *lex fori* affords. Still other rules, of first importance in the present connection, determine the recognition which the

¹*Clark v. Graham*, 6 Wheat. (19 U.S.) 577 (1821), is an early case in which the Supreme Court enforced this rule.

APPENDIX I

Application No. 1739

SUPREME COURT OF GEORGIA

Atlanta, August 10, 1981

The Honorable Supreme Court met pursuant to adjournment. The following order was passed:

FLOSSIE W. NZONGOLA

v.

NTALAJA NZONGOLA

Upon consideration of the application for discretionary appeal filed in this case, it is ordered that it be hereby denied.

SUPREME COURT OF THE

STATE OF GEORGIA

Clerk's Office, Atlanta,

I certify that the above is a true extract from the minutes of the Supreme Court of Georgia.

Witness my signature

and the seal of said
court hereto affixed the
day and year last above
written.

s/ Joline B. Williams,

Clerk

APPENDIX J

Application No. 1889

SUPREME COURT OF GEORGIA

Atlanta, December 15, 1981

The Honorable Supreme Court met pursuant to adjournment. The following order was passed:

FLOSSIE W. NZONGOLA

v.

NTALAJA NZONGOLA

Upon consideration of the application for discretionary appeal filed in this case, it is ordered that it be hereby dismissed.

SUPREME COURT OF THE

STATE OF GEORGIA

Clerk's Office, Atlanta,

I certify that the above is a true extract from the minutes of the Supreme Court of Georgia.

Witness my signature

and the seal of said
court hereto affixed the
day and year last above
written.

s/Joline B. Williams

Clerk

APPENDIX K

SUPREME COURT OF GEORGIA

Atlanta, February 14,

1989

The Honorable Supreme Court met pursuant to adjournment. The following order was passed:

FLOSSIE W. NZONGOLA

v.

NTALAJA NZONGOLA AND

THE SUPERIOR COURT OF FULTON COUNTY

Upon consideration of the application for discretionary appeal filed in this case, it is ordered that it be hereby denied.

It is also ordered that the Motion for Stay be denied.

All the Justices concur, except Weltner, J., disqualified.

SUPREME COURT OF THE
STATE OF GEORGIA
Clerk's Office, Atlanta

I certify that the
above is a true extract
from the minutes of the
Supreme Court of
Georgia.

Witness my signature
and the seal of said
court hereto affixed the
day and year last above
written.

s/Lynn M. Hogg
Deputy Clerk

APPENDIX L

SUPREME COURT OF GEORGIA

CLERK'S OFFICE, ATLANTA

October 10, 1989

I, Joline B. Williams, Clerk of the Supreme Court of Georgia, do hereby certify that the foregoing four pages, hereto attached, are true and correct copies of the orders denying Applications for Discretionary Appeal in Application No. 1739, Flossie W. Nzongola v. Ntalaja Nzongola, dated August 10, 1981; Application No. 1889, Flossie Nzongola v. Ntalja Nzongola, dated December 15, 1981; Application No. 4754, Flossie W. Nzongola v. Ntalaja Nzongola and the Superior Court of Fulton County, dated February 14, 1989; and Application No. S89D0311, Flossie W. Nzongola v. The State et al., dated August 18, 1989, as appears from the records and files in this office.

Witness my signature and

seal of the said court
hereto affixed the day
and year first above
written.

s/Joline B. Williams

Clerk, Supreme Court of
Georgia

APPENDIX M

IN THE SUPERIOR COURT OF FULTON COUNTY
STATE OF GEORGIA

FLOSSIE W. NZONGOLA,

Plaintiff

v.

STATE OF GEORGIA,

SUPERIOR COURT OF FULTON COUNTY,

CHARLES L. WELTNER,

and PHILIP ETHERIDGE,

Defendant

CIVIL ACTION

FILE NO. D-63768

ORDER DENYING PLAINTIFF'S
MOTION FOR RECONSIDERATION

After a careful review of the record, this Court hereby DENIES Plaintiff's Motion for Reconsideration.

Plaintiff's motion requests reconsideration

of this Court's April 21, 1989, Order, issued by Judge Langford, who was sitting by designation for Judge Sears-Collins. Said Order granted Defendant's Motion to Dismiss on the grounds of failure to state a claim upon which relief can be granted, judicial immunity, res judicata, and collateral estoppel. Said Order states that this Court reviewed the record and heard oral argument on April 21, 1989, "at which the Plaintiff failed to appear after being individually, directly notified by mail of the date, time, and place of hearing of these motions (sic)." The Order continues to state that Plaintiff filed no response whatsoever to Defendant's motion.

Plaintiff's Motion for Reconsideration is apparently premised on the Plaintiff's request for a meeting date with the Court. Apparently, the Plaintiff alleges that it was error for the Court to hold a hearing on Defendant's Motion to Dismiss before said meeting occurred. Such an assertion presents no legal

grounds for reconsideration of the Court's Order. Plaintiff had two opportunities to respond to Defendant's motion; once by filing a responsive brief thereto, which Plaintiff failed to do, and second by appearing at the April 21, 1989 hearing on said motion which Plaintiff again failed to do. Plaintiff's motion does not attempt to address any excuse for either of these failures, but simply requests that this Court reconsider its April 21, 1989, Order.

Having found that the Motion to Dismiss was supported by both the law and the facts; that Plaintiff failed to oppose the motion; that this Court did not err in entering its April 21, 1989 Order; and that Plaintiff has shown no legal reason to reconsider said Order, Plaintiff's Motion for Reconsideration is DENIED.

This Court hereby reminds Plaintiff of that portion of the April 21, 1989 Order which prohibits Plaintiff from filing any further

complaints, pleadings or motions regarding this case or its subject matter without a written order from this Court.

SO ORDERED this 27th day of June, 1989.

s/Leah Sears-Collins

LEAH SEARS-COLLINS

Judge,

Fulton Superior Court

cc: Mark H. Cohen, Esq.

Sr. Assistant Attorney General

132 State Judiciary Building

Atlanta, Georgia 30334

Flossie W. Nzongola, Pro Se

P.O. Box 43006

Washington, D.C. 20010

